

RECREATIONAL BOAT USER FEE RELIEF ACT

OCTOBER 22, 1991.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ROSTENKOWSKI, from the Committee on Ways and Means,
submitted the following

REPORT

[To accompany H.R. 534]

[Including cost estimate of the Congressional Budget Office]

The Committee on Ways and Means, to whom was referred the bill (H.R. 534) to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments, stated in terms of the bill as reported by the Committee on Merchant Marine and Fisheries, are as follows:

Strike section 1 of the reported bill and insert the following:

SECTION 1. REPEAL OF RECREATIONAL BOAT USER FEE.

(a) SHORT TITLE.—This Act may be cited as the “Recreational Boat User Fee Relief Act”.

(b) BOAT USER FEE REPEAL.—Section 2110(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

“(5)(A) Subject to subparagraph (B), no fee or charge may be imposed under this subsection with respect to fiscal year 1993 or any succeeding fiscal year.

“(B)(i) If, under the applicable cost estimate of the Recreational Boat User Fee Relief Act for purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985, the forgone receipts resulting from subparagraph (A) for any of the fiscal years 1993 through 1995 will exceed the offsetting receipts resulting from section 2 of such Relief Act for such fiscal year—

"(I) subparagraph (A) shall not apply for such fiscal year, and

"(II) subject to paragraph (2) and clause (ii), the fees or charges under this subsection shall be the amounts prescribed by the Secretary under this subparagraph for such fiscal year.

"(ii)(I) The fees or charges prescribed by the Secretary under this subparagraph for any fiscal year shall be the amounts which the Secretary determines to be necessary to avoid any excess forgone receipts described in clause (i) for such fiscal year.

"(II) If any fee or charge is required to be reduced under subclause (I), the Secretary shall reduce to \$0 the fee or charge for vessels described in paragraph (2)(A), (2)(B), or (2)(C), as the case may be, before making any reduction in the fee or charge for vessels described in paragraph (2)(B), (2)(C), or (2)(D), respectively."

In section 2(d)(1) of the reported bill, strike "(1) The" and insert "(1) Beginning July 1, 1992, and subject to paragraph (3), the".

In section 2(d)(1)(A) of the reported bill, strike "individual" and insert "person".

In section 2(d)(1)(B)(i) of the reported bill, insert "a fee equal to" before "the cost".

In section 2(d)(1)(B)(ii) of the reported bill, strike "individual" and insert "person".

In section 2(d) of the reported bill, strike paragraph (3) and insert the following new paragraph:

(3)(A) The fees charged under this subsection in any of the fiscal years 1993 through 1995 shall not exceed the amounts which the Commission determines to be necessary to result in offsetting receipts for such fiscal year which equal the sum of—

(i) the forgone receipts for such fiscal year resulting from section 2110(b)(5) of title 46, United States Code (without regard to subparagraph (B) thereof), and

(ii) the amounts permitted to be retained in such fiscal year by the Commission under subsection (g)(4) of this section.

Such determination shall be based on the applicable cost estimate of this Act for purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(B) The fees charged under this subsection in fiscal year 1996 or any succeeding fiscal year shall not exceed the amounts which the Commission determines to be necessary to result in offsetting receipts for such fiscal year which equal the direct costs of the Commission for such fiscal year in providing access to the information available electronically under this section and in paying the advance (including interest thereon) made to the Commission under subsection (g)(3).

(C)(i) No fee may be charged under paragraph (1)(B)(ii) after September 30, 1995.

(ii) The Commission shall provide that any information from the Automated Tariff Filing and Information System that is made available to the public may be used, resold, or disseminated by any person after September 30, 1995, without restriction and without payment of additional fees or royalties.

In section 2(g)(3) of the reported bill, insert "(A)" after "(3)".

In section 2(g)(3) of the reported bill, insert at the end the following new subparagraph:

(B)(i) Any advance made to the Commission under subparagraph (A) shall be repaid (with interest thereon) to the general fund of the Treasury by not later than December 31, 1995.

(ii) Interest on any advance made to the Commission under subparagraph (A) shall be at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.

In section 2(g)(4) of the reported bill, insert at the end the following new sentence:

Such repayment under paragraph (3) (including interest thereon) may be made only from amounts collected by the Commission under this section after September 30, 1995.

In section 2(h) of the reported bill, strike "Section" and insert "Effective July 1, 1992, section".

Strike sections 3 and 4 of the reported bill and insert the following new section:

SEC. 3. COST ESTIMATE.

The applicable cost estimate of this Act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

For fiscal year:	Change in outlays:	Change in receipts:
1992.....	\$0.....	Not applicable.
1993.....	\$0.....	Not applicable.
1994.....	\$0.....	Not applicable.
1995.....	\$0.....	Not applicable.

I. LEGISLATIVE BACKGROUND AND SUMMARY

Legislative background of H.R. 534

H.R. 534 was reported by the House Committee on Merchant Marine and Fisheries ("Merchant Marine") on August 1, 1991 (H. Rept. 102-182, Part 1). The bill was sequentially referred to the Committee on Ways and Means ("Way and Means") through the period ended September 27, 1991. Pursuant to Merchant Marine's request, Ways and Means requested and received an extension of its sequential referral through October 22, 1991.

Summary of H.R. 534 as reported by Merchant Marine

As reported by Merchant Marine, H.R. 534 repeals the annual Coast Guard recreational boat user fee ("boat user fee") imposed by section 10401 of the Omnibus Budget Reconciliation Act of 1990 ("1990 Act"), effective on the date of the bill's enactment.

H.R. 534, as reported by Merchant Marine, also includes an amendment to raise partially offsetting revenues by imposing a fee on persons directly or indirectly electronically using certain Automated Tariff Filing Information ("ATFI") from the Federal Maritime Commission ("FMC") (the "FMC access fee"). Although the FMC access fee is projected to be effective on January 1, 1992 (the date that the bill begins to require water common carriers to file tariffs electronically with the FMC), it is projected that the electronic tariff data base system cannot be fully implemented until at least April 1, 1992.

In addition, H.R. 534, as reported by Merchant Marine, establishes a Strategic Sealift Fund (Sealift Fund") in the Treasury. Amounts raised by the FMC access fee in excess of FMC costs associated with operating and administering the electronic data base would be credited to the Sealift Fund to be available for future authorizations for U.S. sealift requirements.

Summary of H.R. 534 as reported by Ways and Means

The Ways and Means amendment to H.R. 534 repeals the boat user fee, effective on October 1, 1992, subject to certain budgetary anti-sequester conditions. Under the Ways and Means amendment, the FMC access fee will become effective on July 1, 1992. The FMC access fee is modified so that the amount of the fee in any fiscal year (through FY 1995) will be the lesser of 35-cents-per-minute or the amount necessary to offset the revenues lost from repealing the boat user fee and certain FMC costs for the ATFI system. The revenues from the FMC access fee are to be retained in the General Fund, and the proposed Sealift Fund is deleted from the bill. Beginning after fiscal year 1995, the FMC access fee cannot exceed the direct FMC costs associated with operating and administering the Automated Tariff Information System, and the fee cannot be imposed on secondary uses of the electronic system.

Further, to eliminate the possibility of a "pay-as-you-go" sequester, the Ways and Means amendment provides that the repeal of the boat user fee is only to be effective to the extent that the applicable cost estimate for pay-as-you-go purposes by the Office of Management and Budget ("OMB") of the bill (according to the 1990 Budget Enforcement Act), as enacted, will not result in a net in-

crease in the budget deficit under the pay-as-you-go rules. If OMB projects that the full boat user fee schedule cannot be eliminated for any fiscal year 1993 through 1995, the Cost Guard is to provide a revised fee schedule for that year to ensure that the budget deficit is not increased due to the combined effect of the reduction in boat user fee revenues and the revenues derived from the FMC access fee. The Coast Guard boat user fee schedule would be revised in a manner to reduce or eliminate the fee for categories of smaller boats entirely before reducing fees for categories of larger boats.

II. EXPLANATION OF COMMITTEE AMENDMENT

PRESENT LAW

Boat user fee

Under the 1990 Act, the Secretary of Transportation is directed to establish a "fee or charge" to be collected annually in fiscal years 1991 through 1995 from owners or operators of each "recreational vessel" greater than 16 feet in length. The boat user fee is to be imposed as follows: (a) for vessels of greater than 16 feet but less than 20 feet, not more than \$25; (b) for vessels of 20 feet but less than 27 feet, not more than \$35; (c) for vessels of 27 feet but less than 40 feet, not more than \$50; and (d) for vessels of 40 feet or more, not more than \$100.

The Coast Guard issued rules¹ implementing the boat user fee, at the maximum levels allowed under the 1990 Act, effective July 31, 1991. Subject to several exemptions provided by the 1990 Act and/or by the Coast Guard rules, the boat user fee applies to all vessels operated on the navigable waters of the United States where the Coast Guard has a presence. Among the exempted vessels are: manually powered boats (e.g., canoes, kayaks, and rafts), public vessels (e.g., State and local government vessels), sailboards, vessel tenders, unpowered houseboats, and vessels of nonprofit organizations.

Failure to pay the boat user fee subjects the owner or operator of the vessel to a civil penalty of up to \$5,000 for each violation. Also, when requested by the Secretary of Transportation, the Secretary of the Treasury is to deny clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91) to a vessel for which a fee has not been paid until the required fee has been paid or until a bond has been posted for the payment.

Revenues from the boat user fees are deposited in the General Fund of the Treasury as offsetting receipts for Coast Guard activities.

FMC access fee

As indicated in the Merchant Marine report on H.R. 534, water common carriers in U.S. foreign and domestic offshore shipping are required to file tariffs with the Federal Maritime Commission (FMC). These tariffs and service contracts currently are filed on paper. In recent years, the FMC has been designing a computer

¹ See Federal Register, July 1, 1991.

system to allow water common carriers to file tariffs electronically with the FMC. This computer system is known as the Automated Tariff Filing and Information System ("ATFI"). FMC's projected schedule is to require carriers to file tariffs electronically on a phased-in schedule beginning in January 1992. The electronically filed tariff information is the same information required under section 8(a)(1) of the Shipping Act of 1984 (46 App. U.S.C. 1707), and includes all rates, charges, classifications, rules, and practices assessed by a carrier between all points or ports on a route and any through transportation rate a carrier has established.

It is understood that the FMC plans to sell this tariff data in bulk to private persons. Purchasers, such as commercial vendors, then could resell the information to carriers, shippers, and freight forwarders. The information also could be obtained directly from the FMC by remote access.

Sealift Fund

The sealift needs of the United States Government currently are funded through appropriations from the General Fund.

DESCRIPTION OF PROVISIONS IN H.R. 534, AS REPORTED BY MERCHANT MARINE

Boat user fee

H.R. 534, as reported by Merchant Marine, repeals the boat user fee established under the 1990 Act, effective on the date of the bill's enactment.

FMC access fee and Sealift Fund

FMC access fee

H.R. 534, as reported by Merchant Marine, requires water common carrier tariffs to be filed electronically, beginning January 1, 1992, to be fully phased in by April 1, 1992. The Merchant Marine bill would impose a fee of 35 cents for each minute of remote computer access to the information in the ATFI. Purchases of the entire database in the ATFI would be allowed. If the purchased information were then resold or otherwise disseminated ("secondary use"), the 35-cents-per-minute fee would apply for each separate computer access to the information. There would be no charge for filing of the tariffs with the FMC. Federal agencies would be exempt from the fee. The FMC would be authorized to establish an alternative schedule of such fees that would result in equivalent receipts.

The bill would allow the FMC to retain the amount of fees collected necessary to carry out its requirements under the bill, with any excess fees collected to be deposited in a new Strategic Sealift Fund (see below).

Sealift Fund

H.R. 534, as reported by Merchant Marine, provides that any receipts collected under the FMC access fee in excess of amounts for FMC costs associated with operating and administering the electronic data base would be deposited in the General Fund of the

Treasury, as offsetting receipts, to be transferred to a new fund in the Treasury known as the Strategic Sealift Fund. Monies in the Sealift Fund would be available, subject to future authorization for appropriation, to the Department of Transportation to (1) provide a manpower base for vessels in the Ready Reserve Fleet and (2) meet the sustainment sealift requirements of the United States.

REASONS FOR CHANGE

Ways and Means agrees with the general purpose of repealing the boat user fee in H.R. 534, if an adequate revenue offset is provided. However, as reported by Merchant Marine, the FMC access fee revenues are not sufficient to offset the estimated revenue loss from repeal of the boat user fee in FY 1992.

Merely delaying repeal of the boat user fee until FY 1993 would not solve the budget problems associated with H.R. 534, as reported by Merchant Marine. This is because the Congressional Budget Office ("CBO") and the Office of Management and Budget ("OMB") estimates as to the revenue raised by the FMC access fee differ substantially (e.g., in FY 1995, the difference is approximately \$250 million). CBO estimates, which are used for consideration of legislation in the House of Representatives, project sufficient revenues from the FMC access fee to offset the cost of repealing the boat user fee in all fiscal years after FY 1992; however, OMB estimates, which are required for sequester determinations under the 1990 Budget Enforcement Act, project insufficient revenues for each year through FY 1995. Thus, if the bill as reported were enacted, an OMB-declared sequester potentially would result. Under present law, the boat user fee applies only through FY 1995.

Ways and Means believes that the bill should be restructured to ensure that there are no "pay-as-you-go" shortfalls under the bill and that sequestration will not occur. Therefore, Ways and Means made the repeal of the boat user fee conditional on sufficient offsetting revenues being raised by the FMC access fee for each fiscal year during the 1990 Budget Act's "budget window" (FY 1992-1995).

EXPLANATION OF PROVISIONS

Boat user fee

The committee amendment repeals the boat user fee, subject to limitations (described below) that will prevent the occurrence of a pay-as-you sequester under the 1990 Act's budget scorekeeping provisions.

FMC access fee and Sealift Fund

The committee amendment retains the FMC access fee provided for in H.R. 534, as reported by Merchant Marine, with a modification designed to match revenues from that fee more closely to the revenues lost from the repeal or reduction of the boat user fee. This modification provides that the fee will be equal to 35 cents per minute of electronic access as provided in the originally reported bill, or, if less, a rate that produces revenue sufficient to recover FMC costs and to offset complete repeal of the boat user fee.

Because the boat user fee revenues are retained in the General Fund, the committee amendment provides that the FMC access fee revenues also generally will be retained in the General Fund. The committee amendment deletes the provisions of the originally reported bill that would have established the Sealift Fund.

Further, the committee amendment provides that for fiscal years beginning after FY 1995, the FMC access fee may not exceed direct costs incurred by the FMC in operating and administering the ATFI system. Further, recovery of these direct costs may not be derived from fees on secondary uses of the tariff information.

Budget matters

As stated above in the discussion of repeal of the boat user fee, the committee amendment includes an anti-sequester protection that limits the boat user fee repeal in the event that revenues produced by the FMC access fee are not sufficient to offset the revenues lost thereby.

Under this provision, if OMB projects a revenue shortfall due to enactment of H.R. 534, the Coast Guard will be directed to continue to impose the boat user fee at reduced levels that will produce revenues sufficient to eliminate the shortfall. This is intended to prevent a pay-as-you-go sequester under the 1990 Budget Enforcement Act. The committee amendment further directs the Coast Guard to reduce or eliminate fees on each category of the smallest boats (by category) subject to the fee before reducing or eliminating any portion of the fee on the categories of larger boats.

Finally, the committee amendment includes the statements regarding budget effects required under Clause 8 of Rule 21 of the House rules.

EFFECTIVE DATES

The provision repealing the boat user fee is effective on October 1, 1992, and the provision imposing the FMC access fee is effective on July 1, 1992.

The pay-as-you-go scorekeeping and other provisions are effective on the date of the bill's enactment.

III. EFFECT OF THE BILL ON THE BUDGET

In compliance with clause 7 of rule XIII of the Rules of the House of Representatives, the following statement is made about the effect on the budget of this bill, H.R. 534, as amended by the committee.

The bill, as amended, is estimated by the Congressional Budget Office to result in no net increase in the budget deficit for fiscal years 1992-1995, and to decrease outlays by \$5 million (as offsetting receipts) in fiscal year 1996. (See Congressional Budget Office statement in Part IV., below.)

IV. VOTE OF THE COMMITTEE AND OTHER MATTERS TO BE DISCUSSED UNDER HOUSE RULES

A. VOTE OF THE COMMITTEE

In compliance with clause 2(1)(2)(B) of rule XI of the Rules of the House of Representatives, the following statement is made about the vote of the committee on the motion to report the bill, H.R. 534, as amended. The bill, as amended, was ordered favorably reported by voice vote.

B. OTHER MATTERS

In compliance with clause 2(1)(3) and 2(1)(4) of rule XI of the Rules of the House of Representatives, the following statements are made with respect to the committee action on H.R. 534, as amended.

Oversight findings

With respect to subdivision (A) of clause 2(1)(3) (relating to oversight findings), the committee advises that it was as a result of the committee's oversight activities with respect to the proposed repeal of the boat user fee and the proposed FMC access fee as a revenue offset that the committee concluded that it is appropriate to enact the provisions contained in the bill, as amended.

Tax expenditures

With respect to subdivision (B) of clause 2(1)(3), after consultation with the Congressional Budget Office, the committee states that the changes made to existing law by this bill as reported involve no new or increased tax expenditures.

Budget authority

With respect to subdivision (B) of clause 2(1)(3), after consultation with the Congressional Budget Office, the committee states that the changes made by the bill as reported involve a decrease in budget authority of \$5 million for fiscal year 1996 (negative outlays from offsetting receipts from the FMC access fee).

Congressional Budget Office estimates

With respect to subdivision (C) of clause 2(1)(3), the committee advises that the Director of the Congressional Budget Office submitted the following statement:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 22, 1991.

Hon. DAN ROSTENKOWSKI,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 534, the Recreational Boat User Fee Relief Act, as ordered reported by the House Committee on Ways and Means on October 22, 1991.

H.R. 534 would affect direct spending and thus would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985. As a result, we have also attached the estimate required by clause 8 of House Rule XXI.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 534.
2. Bill title: Recreational Boat User Fee Relief Act.
3. Bill status: As ordered reported by the House Committee on Ways and Means on October 22, 1991.
4. Bill purpose: Section 1 of H.R. 534 would amend section 2110(b) of Title 46, United States Code, relating to the collection of recreational boat fees by the U.S. Coast Guard (USCG). Section 1 would terminate the annual boat fees beginning in fiscal year 1993, provided that the resulting loss of receipts would be offset by new fees established under section 2 of the bill. Section 1 also requires that if, under the applicable cost estimate for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985, new fees would not fully compensate for the loss of receipts in any fiscal year, the Coast Guard would collect from boaters whatever sums are necessary to avoid the projected shortfall.

Section 2 of H.R. 534 would establish a new user fee for public access to the Federal Maritime Commission's (FMC's) Automated Tariff Filing and Information System (ATFI). Under the provisions of this section, all tariffs and essential terms of service contracts that are required to be filed with the FMC must be filed electronically beginning in 1992. Electronic filing of these documents will be required by the commission under existing authority. H.R. 534 would expedite the conversion process by providing necessary advance funding for system enhancement and by establishing a mandatory timetable for initial filing. Specifically, section 2 would require the Secretary of the Treasury to make available to the FMC a repayable advance of up to \$4 million in fiscal year 1992. The commission would be required to spend these funds to upgrade the ATFI system sufficiently to support unrestricted commercial retrieval.

Effective July 1, 1992, existing restrictions on public retrieval and use of ATFI data or information would be repealed. Simultaneously, the FMC would be required to impose a fee of \$0.35 per minute on such usage pursuant to subsection 2(d). In addition to the remote access fee, this subsection also would require the commission to collect fees for bulk copies of the ATFI database to cover duplication, distribution, and other related costs. Fees charged under subsection 2(d) in fiscal years 1993 through 1995 could not exceed the amounts determined to be necessary to offset ATFI costs and forgone recreational boat receipts. For fiscal years after

1995, charges for certain types of remote usage would be eliminated altogether. Fees on remaining uses would be limited to whatever level the commission determines to be necessary to offset its direct costs of providing service in that year. Treasury advances (plus interest) would have to be recovered from fees collected after September 30, 1995 and repaid to the Treasury Department by December 31, 1995.

Section 3 of the bill would specify that the applicable cost estimate for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be zero change in outlays in each of the fiscal years 1992 through 1995.

5. Estimated cost to the Federal Government:

Assuming that the FMC would be able to set the ATFI fees with sufficient accuracy to produce the results mandated by the bill, H.R. 534 would result in no net change in outlays through fiscal year 1995, and a net outlay reduction of \$5 million in 1996.

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Estimated budget authority	0	0	0	0	-5
Estimated outlays	0	0	0	0	-5

The effects of this bill fall within budget function 400.

Basis of estimate: For purposes of this estimate, CBO has assumed that H.R. 534 will be enacted by December 31, 1991. Details and other estimate assumptions for each section of the bill follow.

Repeal of recreation boat fees: As shown in the table below, the loss of receipts from the repeal of recreation boat fees would result in additional direct spending outlays of \$143 million in fiscal year 1993 and a total of \$456 million through 1995, after which they expire. Fiscal year 1992 fee collections of \$135 million would be unaffected by the bill.

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Estimated budget authority		143	152	161	
Estimated outlays		143	152	161	

CBO estimates that amounts collected from the new ATFI charges (as specified under section 2 of the bill) would be sufficient to permit a full repeal of the recreation boat fees for all size categories in each of fiscal years 1993 through 1995. Accordingly, the estimated receipts forgone for each year are equal to the total amount of projected recreational boat fee receipts in the fiscal year 1992 budget resolution baseline.

ATFI fees and spending: In order to offset the loss of the recreation boat fees, as required by section 2(d), the FMC would have to collect net new offsetting receipts equal to those forgone under section 1. This would be a difficult task, because it would require an accurate estimate of the receipts forgone from the recreation boat

fees, and an accurate projection of the collections from the ATFI fees. Even after the fact, it would be impossible to know whether the new fees met this objective. Assuming that the commission is able to devise an appropriate fee schedule to attain the desired level of collections, CBO estimates that new offsetting receipts under section 2 would be about \$461 million (net of additional FMC costs) over the 1993-1996 period.

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Estimated budget authority	0	-143	-152	-161	-5
Estimated outlays	0	-143	-152	-161	-5

For purpose of this estimate, CBO has assumed that ATFI will be ready for electronic tariff filing by January 1, 1992, and that further system upgrades will be made during the following several months. As a result of the July 1, 1992 effective date for the new fees, gross collections would be quite small in fiscal year 1992 and are estimated to be fully offset by additional FMC spending to upgrade the system.

Once recreation boat fees expire after fiscal year 1995, section 2 would limit the FMC's authority to assess and collect ATFI fees, producing a nearly equivalent reduction in FMC offsetting receipts. This section would eliminate fees for some ATFI uses entirely, while fees assessed on remaining uses could not exceed associated direct costs. As a result of these constraints, net receipts would fall from the \$161 million earned in 1995 to just \$5 million in 1996. After 1996, no net receipts would be realized from the system. (Net receipts projected for 1996 represent the amount to be collected in the first three months of that year to recover the \$4 million plus interest borrowed from the U.S. Treasury in 1992.)

A number of determinations and fee assessment decisions are required by the bill to be based on the applicable cost estimate for purpose of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985. For the purposes of estimating the recreation boat fees forgone and the new ATFI receipts, CBO has assumed that the applicable cost estimate is that specified in Section 3. If the Administration determines that other cost estimates are applicable, annual amounts for forgone receipts and new ATFI charges would be different. However, the net budget impact would be unchanged.

Pay-as-you-go considerations: The Budget Enforcement Act of 1990 specifies pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. CBO estimates that the enactment of H.R. 534 would result in no net outlays in any of the fiscal years covered by these procedures. H.R. 534 would have no affect on governmental receipts.

7. Estimated cost to state and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate: On June 13, 1991, CBO prepared an estimate of H.R. 534, as ordered reported by the Committee on House Merchant Marine and Fisheries on June 12, 1991. Because

the earlier bill would have repealed recreation boat fees at an earlier date, the CBO estimate included a loss of receipts in fiscal years 1991 and 1992 that would no longer be applicable under the Ways and Means bill. Forgone receipts for 1993 through 1995 are identical in both estimates.

Estimated fee collections under section 2 of this version of H.R. 534 are lower than those in our earlier estimate, reflecting a later effective date and fee limits contained in the Ways and Means version of the bill.

10. Estimate prepared by: Deborah Reis.

11. Estimate approved by: C.G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE ESTIMATE ¹

The applicable cost estimate of this act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995
Change in outlays	0	0	0	0
Change in receipts	(¹)	(¹)	(¹)	(¹)

Not applicable

Oversight by Committee on Government Operations

With respect to subdivision (D) of clause 2(1)(3), the committee advises that no oversight findings or recommendations have been submitted to the committee by the Committee on Government Operations regarding the subject of this bill.

Inflationary impact

In compliance with clause 2(1)(4), the committee states that the enactment of this bill is not expected to have an overall inflationary impact on prices and costs in the operation of the national economy, since the increase in government revenues attributable to the new FMC access fee is expected to be offset by an equivalent reduction or repeal in the boat user fee through fiscal year 1995.

V. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

¹ An estimate of H.R. 534 as ordered reported by the House Committee on Ways and Means on October 22, 1991. This estimate was transmitted by the Congressional Budget Office on October 22, 1991.

SECTION 2110 OF TITLE 46, UNITED STATES CODE

§2110. Fees

- (a) * * *
- (b)(1) * * *

* * * * *

(5)(A) Subject to subparagraph (B), no fee or charge may be imposed under this subsection with respect to fiscal year 1993 or any succeeding fiscal year.

(B)(i) If, under the applicable cost estimate of the Recreational Boat User Fee Relief Act for purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985, the forgone receipts resulting from subparagraph (A) for any of the fiscal years 1993 through 1995 will exceed the offsetting receipts resulting from section 2 of such Relief Act for such fiscal year—

(I) subparagraph (A) shall not apply for such fiscal year, and

(II) subject to paragraph (2) and clause (ii), the fees or charges under this subsection shall be the amounts prescribed by the Secretary under this subparagraph for such fiscal year.

(ii)(I) The fees or charges prescribed by the Secretary under this subparagraph for any fiscal year shall be the amounts which the Secretary determines to be necessary to avoid any excess forgone receipts described in clause (i) for such fiscal year.

(II) If any fee or charge is required to be reduced under subclause (I), the Secretary shall reduce to \$0 the fee or charge for vessels described in paragraph (2)(A), (2)(B), or (2)(C), as the case may be, before making any reduction in the fee or charge for vessels described in paragraph (2)(B), (2)(C), or (2)(D), respectively.

* * * * *

ACT OF AUGUST 16, 1989

An Act to authorize appropriations for fiscal year 1990 for the Federal Maritime Commission, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. In fiscal year 1990, \$16,350,000 is authorized to be appropriated for the use of the Federal Maritime Commission.

【SEC. 2. (a) The Federal Maritime Commission shall require that complete and updated electronic copies of the Automated Tariff Filing and Information data base are made available (in bulk) in a timely and nondiscriminatory fashion, and the Commission shall assess reasonable fees for this service consistent with section 552 of title 5, United States Code.

【(b) The Commission shall impose reasonable controls on the system to limit remote access usage by any one person.

【(c) The Commission shall provide that any information from the Automated Tariff Filing and Information System that is made available to the public may be used, resold, or disseminated by any

person without restriction and without payment of additional fees
or royalties.】

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